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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,351	06/12/2001	Yutaka Sekiguchi	NEG-208US	2183

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EXAMINER

BUTLER, DENNIS

ART UNIT PAPER NUMBER

2115

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/878,351

Applicant(s)

SEKIGUCHI, YUTAKA

Examiner

Dennis M. Butler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,6,8,9 and 11 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This action is in response to amendment received on November 4, 2004. Claims 1-11 are pending.
2. The Information Disclosure Statement (IDS) submitted on December 27, 2004 has been received but has not been considered because it is not available in applicant's image file. The IDS will be considered when it is scanned and made available to the examiner in the image file.
3. Claims 1-2, 4-5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sposato, U. S. Patent 6,463,530 in view of Hubacher et al., U.S. Patent 6,711,688.

Per claims 1-2, 4-5 and 10:

A) Sposato teaches the following claimed items:

1. a server that stores an operating system with server 104 of figure 1, with figure 2 and at column 6, lines 9-14;
2. a network connected terminal with any of clients 108, 110 and 112 of figure 1 and with figure 3;
3. preboot means with figure 4 and at column 9, line 32 – column 10, line 21;
4. means for accessing a storage medium removably inserted into the user terminal at column 9, lines 35-45 and at column 11, lines 15-20;
5. means for transmitting, to the server, information corresponding to a user selected operating system at column 9, lines 6-17, at column 12, lines 56-67, and at column 13, lines 1-10 and 60-67;

6. means for transmitting a specified operating system and application to the terminal, storing the operating system and application, booting the operating system and delivering control to the operating system at column 6, lines 9-14, at column 8, line 58 – column 9, line 11, at column 10, lines 45-49, at column 12, lines 22-26 and at column 13, lines 62-67.

B) The claims seem to differ from Sposato in that Sposato fails to explicitly teach the server authenticating the user of the user terminal based on information transmitted from the user terminal as claimed.

C) However, Sposato describes that a security system could be added to his remote boot system that would only allow authorized users to boot the terminal at column 14, lines 5-6. Hubacher teaches that it is known to include a server that authenticates the user of the user terminal based on information transmitted from the user terminal during a remote boot procedure with figures 7 and 8 and at column 10, line 62 – column 11, line 36. In addition, Hubacher also teaches that it is known to transmit a specified operating system and application program to a terminal by specifying packages of operating systems, drivers and applications at column 9, lines 53-66. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a server that authenticates the user of the user terminal based on information transmitted from the user terminal during a remote boot procedure, as taught by Hubacher, in order to ensure that only authorized users boot the user terminals. One of ordinary skill in the art would have been motivated to combine Sposato and Hubacher because

of Sposato's suggestion that a security system could be added to his remote boot system that would only allow authorized users to boot the terminal at column 14, lines 5-6. It would have been obvious for one of ordinary skill in the art to combine Sposato and Hubacher because they are both directed to the problem of remotely booting (RIPL) user terminals (clients) in a network by downloading a requested operating system from a server to a client. In addition, it would have been obvious for one of ordinary skill in the art to combine Sposato and Hubacher because they have a common inventor, the same assignee, use the same remote boot files (RDTIO.SYS, BCL.INI, RCP.SYS, RCP.INI, RIPLMF, PROTMAN.SYS and PROTOCOL.INI) and are directed to the same remote boot system.

Per claim 7:

Sposato describes delivering the operating system and displaying information (menu) as described above. Sposato in view of Hubacher describes user information including security, user ID and password information. Sposato describes encoding user environments (boot options) into selectable MAC addresses that include the type of operating system and operating system configuration/environment settings at column 13, lines 1-10 and 60-67. In addition, Hubacher describes encoding user environments at column 9, lines 42-66. It would have been obvious for one of ordinary skill in the art to include boot information such as operating system, application, security, settings and boot

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option information on the boot menu because Sposato in view of Hubacher describe providing these features in their remote boot system.

4. Applicant's arguments filed on November 4, 2004 have been fully considered but they are not persuasive.

In the Remarks, applicant has argued in substance that:

A. Neither Sposato nor Hubacher et al teach supplying an application with the remotely supplied operating system.

5. As to point A, the examiner disagrees with applicant's contentions. Both Sposato and Hubacher describe supplying an application with the remotely supplied operating system. Sposato describes that server 104 provides data, boot files, operating system images and applications to the clients (terminals) at column 6, lines 9-11. Sposato describes that RCP executes instructions that load the files listed in RCP.INI from the server to the client terminal at column 9, line 62 – column 10, line 11 and describes the RCP load command at column 12, lines 22-28. Sposato further describes the RIPL GetFile command. Sposato clearly describes transmitting application programs from server 104 to the client terminals. In addition, Hubacher also teaches that it is known to transmit a specified operating system and application program to a terminal by specifying packages of operating systems, drivers and applications at column 9, lines 53-66.


6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis M. Butler whose telephone number is 571-272-3663. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dennis M. Butler  
Primary Examiner  
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